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PATENT
2569-0103P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Wells OBRECHT
APPL. NO.: 08/900,360 GROUP: 2765
FILED: July 25, 1997 EXAMINER: CRECCA, M.
FOR: METHOD AND APPARATIS FOR PROCURING GOODS IN AN
AUTOMATED MANNER

REPLY UNDER 37 C.F.R. § 1.111

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

December 9, 1999

Sir:

This is a reply to the Office Action mailed October 9, 1999.

REPLY TO REJECTIONS

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli (U.S. Patent No. 5,758,328) in view of Salmon et al. (U.S. Patent No. 5,592,375). This rejection is traversed.

The Giovannoli patent was issued on May 26, 1998 and was filed on February 22, 1996 (its effective date). The present application is based on a provisional application filed July 25, 1996. Accompanying this Reply is a Declaration of the Inventor stating that the present claimed invention was reduced to practice before the effective date of the Giovannoli reference, that is

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February 22, 1996. Alternatively, the Declaration and the evidence accompanying the Declaration establishes that the claimed subject matter was conceived for the effective date of Giovannoli coupled with diligence.

Accordingly, based on the Declaration under 37 C.F.R. § 1.131 with the supporting evidence both in the Declaration and attached to the Declaration, the effective date of the Giovannoli patent has been overcome. Therefore, the rejection based on the two references cited is no longer viable because the Giovannoli reference has been overcome. Accordingly, the Examiner is requested to withdraw the rejection set forth in the Office Action and pass this application to issue.

CONCLUSION

Should the Examiner have any questions concerning this application, the Examiner is invited to contact Elliot A. Goldberg at (703) 205-8000 in the Washington, D.C. area.

Pursuant to the provisions of 37 C.F.R. § 1.17 and § 1.136(a), Applicant hereby petitions for an extension of two (2) months from October 9, 1999 to December 9, 1999 in which to file a response to the outstanding Office Action. The required fee of \$190.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit

Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By:

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DJD/EAG/sje

Attachment: Declaration w/2 Exhibits